

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JENNIFER VANDERSTOK; MICHAEL
G. ANDREN;
TACTICAL MACHINING, LLC, a limited
liability company; and
FIREARMS POLICY COALITION, INC., a
nonprofit corporation,

Plaintiffs,

and

Not An LLC d/b/a JSD SUPPLY,

Applicant in Intervention,

v.

MERRICK GARLAND, in his official capacity as
Attorney General of the United States; UNITED
STATES DEPARTMENT OF JUSTICE; STEVEN
DETTELBACH, in his
official capacity as Director of the Bureau of Alcohol,
Tobacco, Firearms and Explosives; and BUREAU OF
ALCOHOL, TOBACCO, FIREARMS AND
EXPLOSIVES,

Defendants.

Civil Action No. 4:22-cv-691-O

NOT AN LLC DBA JSD SUPPLY'S MOTION TO INTERVENE

Not An LLC dba JSD Supply ("JSD") hereby moves pursuant to Rule 24 of the Federal Rules of Civil Procedure to intervene as a plaintiff in the above-captioned action for the purposes of (a) challenging the constitutionality of both the Final Rule and Defendants' adoption of the Final Rule; and (b) challenging the constitutionality of Defendants' attempts to administratively enforce

the Final Rule against JSD and its employees.

Specifically, JSD moves to intervene as a matter of right. JSD has timely filed this Motion; it has an interest relating to this action; if not allowed to intervene, its interest would be impaired by this action; and its interest is not adequately represented by the existing parties to this action. Alternatively, JSD asks this Court to exercise its discretion and allow JSD to permissively intervene, as its claims and this action have questions of law in common that are directly related to the underlying controversy. Furthermore, permissive intervention will not unduly delay or prejudice the adjudication of the rights of parties to this lawsuit.

Finally, JSD Supply will comply with the Court's current scheduling order (Dkt # 105) and does not intend to seek any delays to the Court's scheduling order nor raise new or different legal theories. Rather, it intends to adopt or join the briefs in support of Plaintiffs' motion for summary judgment. Thus, while JSD Supply does seek specific, personal relief to protect its own individual interests, since JSD Supply's claims substantially overlap with Plaintiffs' arguments and since no new legal issues or arguments will be introduced into the case, no party will be prejudiced by JSD Supply's intervention. Accordingly, JSD Supply satisfies the third prong.

The strong basis for this Motion is further demonstrated by JSD's Proposed Complaint and Proposed Motion for Preliminary Injunction and Brief in Support filed simultaneously with this Motion.

For the reasons stated in its Brief in Support of this Motion to Intervene, filed concurrently with this Motion, JSD respectfully requests that this Court grant this Motion.

Respectfully Submitted,

/s/ Matthew J. Smid

MATTHEW J. SMID

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*Counsel for proposed Intervenor-Plaintiff Not an LLC
dba JSD Supply*

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

On December 20, 2022, the undersigned contacted all counsel for Plaintiffs and Defendants regarding this motion. On December 22, 2022, Martin M. Tomlinson, counsel for the Government, emailed counsel for the moving party that the Government opposes this Motion. On January 5, 2023, Zhonette Brown, counsel for Plaintiffs, advised Plaintiffs do not expressly oppose but could not agree with the motion.

/s/ J. Mark Brewer

J. Mark Brewer

CERTIFICATE OF SERVICE

I certify that on January 5, 2023, the foregoing document was served, via the Court's CM/ECF Document Filing System, upon the registered CM/ECF users in this action.

/s/ Matthew J. Smid
MATTHEW J. SMID